



City of Prineville
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
APPEAL OF CU-2008-303
AT&T CELLULAR FACILITY

APPEAL HEARING DATE: April 28, 2009

PROJECT NUMBER: App-2009-100

OWNER: Crook County
300 NE 3rd St.
Prineville OR 97754

APPLICANT: New Cingular Wireless PCS LLC, AT&T Mobility
650 Columbia Street
Bend, OR 97702

PROJECT REVIEWER: Joshua Smith
Associate Planner

APPLICABLE CRITERIA:

(1) City of Prineville Code of Ordinances, Title XV – Chapter 153 Sections: 153.063, 153.135-153.144 and Chapter 154. County Ordinance No. 18 Section: 18.124.100

FINDINGS OF FACT:

1. **LOCATION:** There is no physical address. The location is on Tax Lot 300 of Map 15-15-01. The building and tower are proposed to be located approximately 31 feet from the top of the rimrock above Crestview Road.
2. **ZONING:** The subject property is zoned Park Reserve (PR) and is designated open space on the Comprehensive Plan map.
3. **SITE DESCRIPTION:** Tax Lot 300 of Map 15-15-01 encompasses a large amount of property adjacent to the Baldwin industrial park and the airport. This site is 2400 feet east from Highway 126 near the top of the grade prior to descending into Prineville proper.
4. **PROPOSAL:** Appeal of a Planning Commission decision to deny a new wireless telecommunication facility including a 10-foot high, 26-foot by 9-foot utility building and a 30-foot tall wooden utility pole. The facility would be enclosed within a 26-foot by 20-foot fenced compound with a total project area of 520 square feet.

PROCEDURAL HISTORY:

The applicant filed for tentative plan approval, which was reviewed by the City Planning Commission. A public hearing(s) were held and testimony taken on January 20, 2009, and February 17, 2009. The City Planning Commission returned a decision of denial on February 17, 2009, that denial was appealed by the applicant to the City Council. On March 24, 2009, the City Council agreed to hear the appeal on the record only. The City Council held the hearing on the appeal on April 28, 2009.

Hearing: *(A full recording of the hearing is available on the City's web site or at City Hall.)*

The appeal hearing primarily focused on whether to allow this type of structure within Crook County's 200 ft. setback to the rimrock; based on the language in the City's Comprehensive Plan. The City Council generally determined that it would not be appropriate to subvert the County's ordinance without a thorough review and creation of our own ordinance.

Decision:

After thorough review and consideration of all of the record materials the City of Prineville City Council voted unanimously to uphold the Planning Commissions Decision to deny the application.

The decision of the City Council is final unless appealed to the Land Use Board of appeals within 21 days of the date of this decision.

Dated this 12th day of May 2009

Mike K. Wendel Mayor